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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SHERRI ELSON,	)	CASE NO. 2:14-cv-01554-GMN-NJK
	)	
Plaintiff,	)	
	)	
vs.	)	<b><u>DISCOVERY PLAN AND</u></b>
	)	<b><u>SCHEDULING ORDER</u></b>
UNITEDHEALTH GROUP	)	
INCORPORATED, as Plan Administrator	)	<b><u>SPECIAL SCHEDULING</u></b>
of the UnitedHealth Group Short-Term	)	<b><u>REQUESTED</u></b>
Disability Plan; SEDGWICK CLAIMS	)	
MANAGEMENT SERVICES, as Claims	)	
Administrator for the UnitedHealth Group	)	
Short-Term Disability Plan; DOES I	)	
through V; and ROE CORPORATIONS I	)	
thru inclusive,	)	
	)	
Defendants.	)	

Plaintiff SHERRI ELSON and Defendants UNITEDHEALTH GROUP INCORPORATED and SEDGWICK CLAIMS MANAGEMENT SERVICES, INC. by and through their respective attorneys, jointly move this Court for a special scheduling review of the parties' proposed discovery plan in this matter.

**I. Rule 26(f) Conference.**

Pursuant to FRCP 26(f), a meeting was held on December 4, 2014, attended by Julie A. Mersch, Esq., counsel for Plaintiff, and Danielle K. Herring, Esq., counsel for Defendants.

1 Counsel discussed the claims and legal issues at the meeting and agreed that the standard  
2 discovery plan is not best-suited for this lawsuit for the reasons set forth below.

3 **II. Nature of Case and Purpose of Special Review.**

4 This dispute involves Plaintiff ELSON's claim for short-term disability benefits under a  
5 group insurance plan administered by Defendant UNITEDHEALTH GROUP  
6 INCORPORATED ("UNITEDHEALTH") (Plan Administrator) for the benefit of its  
7 employees. UNITEDHEALTH delegated the administration of claims under the plan to  
8 Defendant SEDGWICK CLAIMS MANAGEMENT SERVICES, INC. ("SEDGWICK")  
9 (Claims Administrator). The Plaintiff's complaint alleges a claim under the Employee  
10 Retirement Income Security Act of 1974, 29 U.S.C. § 1001, et seq. ("ERISA"). Discovery  
11 may be limited to the administrative record for Plaintiff's administrative claim and appeal.  
12 The administrative record includes, inter alia, Plaintiff's medical records, Plaintiff's arguments  
13 for the payment of benefits, the Plan Administrator's and Claim Administrator's decisions, and  
14 the short-term disability plan documents.

15 Accordingly, the parties jointly request that this Court review and adopt the proposed  
16 discovery and case schedule set forth below:

17 **III. Proposed Plan.**

18 The parties have conferred and agreed as follows:

19 A. Production and Review of the Administrative Record: Defendants are in  
20 possession of the administrative record in this matter. Defendants will produce a proposed  
21 administrative record for Plaintiff's review by **January 9, 2015**. On or before **January 23,**  
22 **2015**, Plaintiff will notify Defendants of her position as to the following issues: (1) whether  
23 Plaintiff believes that any additional documents should be added to the administrative record;  
24 (2) whether Plaintiff believes that any documents contained in the proposed administrative  
25 record should be omitted, and (3) whether Plaintiff believes that any discovery beyond the  
26 administrative record should be conducted.

27 B. Filing of Administrative Record/Motion for Discovery: On or before **February**  
28 **24, 2015**, Defendants will file a joint administrative record with this Court, the contents of

1 which will be agreed upon by Plaintiff. In the event the parties cannot reach an agreement on  
 2 the joint administrative record, Plaintiff will file any motion(s) that Plaintiff believes is  
 3 appropriate, including but not limited to moving to conduct discovery beyond the  
 4 administrative record and/or moving to supplement or omit from the administrative record, by  
 5 **March 13, 2015** (pending determination on any motions, the parties will file on **February 24,**  
 6 **2015**, those portions of the administrative record on which they do agree).

7 C. Briefing Schedule for Legal Issues/Merits of the Case: The primary legal issues  
 8 in this matter are the following: (1) the standard of review to be applied to Defendants'  
 9 decision to deny Plaintiff's claim for short-term disability benefits; and (2) whether, applying  
 10 that standard of review, Defendants' decision should be affirmed by the Court.

11 If a joint administrative record is timely filed and Plaintiff does not seek to conduct  
 12 discovery beyond the administrative record, or to supplement or omit from the administrative  
 13 record, the parties propose that FRCP Rule 52 motions be filed no later than **March 31, 2015**.

14 If Plaintiff does seek and is permitted discovery beyond the administrative record, the  
 15 above deadlines will be suspended. The parties will work together and with the Court to

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1 prepare a new scheduling order, and may seek a status conference to address any outstanding  
2 discovery or other issues.

3 WHEREFORE, the parties jointly request that this Court adopt the proposed discovery  
4 and case schedule set forth herein.

5 DATED this 15<sup>th</sup> day of December, 2014.

6 LAW OFFICE OF JULIE MERSCH

LITTLER MENDELSON, PC

7  
8 By: /s/ Julie A. Mersch

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By: /s/ Danielle K. Herring

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15 **IT IS SO ORDERED.**

16 Dated this 16th day of \_\_ December \_\_, 2014.

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20 UNITED STATES MAGISTRATE JUDGE  
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